



Guide to Brand Name Material Registration



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The Brand Name Material List

What is the Brand Name Material List?

Certified organic producers, handlers, and processors must use substances which comply with the USDA National Organic Standards, 7 CFR Part 205. The WSDA Organic Food Program is a USDA accredited certifying agent which has evaluated products on the Brand Name Material List (BNML) and determined that they are allowed for use in certified organic production, processing and handling under the National Organic Program. WSDA maintains ISO Guide 65 accreditation for the material registration program. WSDA certified organic operators may use the products on the list and maintain confidence that these products comply with the National Organic Standards.

The WSDA does not imply any guarantee or endorsement of any of the products on the BNML. Manufacturers of these products are not required to list their products on the BNML; therefore, it is not a comprehensive list of brand name materials that meet organic standards. Certified operators should refer to the National List of Allowed and Prohibited Substances for further information regarding materials for use in organic food production or contact their certifier for additional assistance.

Is Product Registration Required?

No. Registration is not required, but is necessary for a product to appear on the Brand Name Material List or to label or advertise itself as approved for use in organic food production, processing or handling by the WSDA Organic Food Program (chapter 16-160-120).

What are the “Product Type” Categories?

Crop Production Aids, Disease & Pest Control, Fertilizer & Soil Amendment

Organic farming is based on the use of approved materials for building soil fertility and managing insects, weeds and disease. Soil fertility may be maintained or improved through the application of natural or approved synthetic fertilizers in accordance with the National List. Specifically, §205.601 and §205.602 contain the list of allowed and prohibited materials for use in organic crop production. Many approved synthetic fertilizers have restrictions or annotations regarding their use and should be considered carefully prior to their use.

Natural or approved synthetic substances are also used for insect, weed and disease control in organic farming systems. When a preventative plan is not adequate to avert insect, weed or disease pressure, substances may be applied to control the outbreak. These substances must meet the standards for approved substances under the National List.

The National Organic Program allows the use of all natural substances unless they are specifically prohibited (e.g. strychnine and nicotine are prohibited). Conversely, synthetic substances are prohibited unless they are specifically allowed according to the National List.

Processing Aids and Post Harvest Materials (P&H)

This category includes materials that are approved for use as processing aids and post-harvest materials.

A processing aid is a substance used during processing, but is either removed in some manner or is present at insignificant levels in the finished food product. Examples of processing aids include defoamers, fruit waxes, enzymes or substances used as filters. Non-organic ingredients in processing aids must appear on the National List of Allowed and Prohibited Substances, §205.605 or §205.606.

Post harvest materials include any substance, material, structure, or device that is used in the post harvest handling of agricultural products. Post harvest materials are used on crops that are not processed. Post harvest products include floating agents, ethylene removal products and sanitizers. Ingredients used for post harvest handling must be allowed under §205.601 and §205.602 of the National List.

Some materials are allowed for both post harvest or processing use (e.g. citric acid); however, many materials are only allowed for a particular application. Any restriction on the use of a registered product is listed in its annotation.

Livestock Production Aids

Materials approved and prohibited for use in organic livestock production can be found on the National List, §205.603 and 205.604. These include feed additives, vaccines and biologics, medications, and any other production aid used in an organic livestock system. Agricultural feed ingredients must be certified organic. Nonsynthetic substances, such as herbal remedies or naturally derived enzymes, are also approved for use in organic livestock systems. All synthetic medications are prohibited, unless specifically allowed under the National List.

Because of the variety of livestock systems, restrictions and annotations regarding approved substances are of particular importance. In order to register a material as a livestock production aid, the applicant must submit verification that there are no synthetic binders, colors or artificial flavors in the product.

Publication Schedule

The Brand Name Material List is published in January each year. Updates to approved and withdrawn materials are published quarterly in the newsletter of the WSDA Organic Food Program and on the program website <http://www.agr.wa.gov/FoodAnimal/Organic/MaterialsLists.aspx>.

New Applications

All applications must contain sufficient information to demonstrate compliance with Chapter 16-160 WAC and the National Organic Standards, 7 CFR Part 205. New application packets are available on the program website at <http://www.agr.wa.gov/FoodAnimal/Organic/MaterialsLists.aspx>.

New Application for Registration of Materials (AGR 2289)

The application form for registration of materials is AGR 2289. Please use the following information to assist you while you complete the application. Failure to complete all parts of the application may result in a delay of the review of your product.



Step 1: Applicant Information

☐ **Product Name**

The product name must be listed on the application as it appears on the product label. One product name is permitted per product application. Separate applications must be submitted for additional product labels.

☐ **Applicant Information**

The applicant should list the primary contact and contact information on the application. The primary contact is the person to whom correspondence from the WSDA Organic Food Program will be sent. If there is an alternate contact that is authorized to handle confidential business information, the applicant should indicate this on the application.

☐ **Manufacturer Information**

If the applicant does not manufacture their product, the manufacturer must be listed on the application. If there are multiple manufacturers or manufacturing facilities, each must be listed on a separate sheet and must contain the required information as requested on the application.

The applicant should also mark who has authority for the Full Disclosure of Ingredients. All information pertaining to the formulation, manufacturing and other application information will be directed to this person.

☐ **Distributor Information**

If the primary applicant is not the person that organic producers, processors and handlers should contact regarding availability of the product, then an alternate contact may be listed in the distributor section. The distributor will be listed on the Brand Name Material List Contact List.



Step 2: Full Disclosure of Ingredients

☐ **Full Disclosure of Ingredients**

A Full Disclosure of Ingredients must be submitted for all applications. It must contain the complete product formulation, including ingredients that may not be listed on the product label, as well as the purpose in their formulation. The ingredients must be listed in percent by weight and total 100%. The supplier of each ingredient must also be listed. An EPA Confidential Statement of Formula may be submitted in lieu of the Full Disclosure of Ingredients for pesticide products.



Step 3: Fees & Signature

☐ Application Fee

Application fees are set by chapter 16-160-200 WAC and are given in the table below. All registrations are valid through October 31st of the year of issuance. Renewal applications are due on October 31st (see Renewal Application section).

Product Type	New Application Fee
Pesticide	\$500.00
Spray Adjuvant	\$500.00
Processing Aid	\$500.00
Livestock Production Aid	\$500.00
Post Harvest Material	\$500.00
Fertilizer	\$400.00
Soil Amendment	\$400.00
Crop Production Aid	\$400.00

☐ Signature

Application must be signed by a qualified technical person, authorized to represent the firm and knowledgeable about the contents of the application. By signing, the authorized representative declares that all the information provided in the application is true and correct and not misrepresented in any way. The authorized representative also agrees to notify the Organic Program of any changes to the application, to keep and provide records and to provide access to facilities for inspections, sampling and audits. The original signature must match the name of the Applicant on page 1 of the application. Electronic or faxed signatures are not accepted.



Additional Application Information

In addition to the New Application for Registration of Materials (AGR 2289), the following information must accompany the application packet:

Manufacturing Facility Information (AGR 2817)

The Manufacturing Facility Information Form must be completed and submitted with the application packet. This form is to be filled out by the manufacturer of the product listed in the application. If the applicant is not the manufacturer, then the form must be completed by the appropriate person listed as the manufacturer on the application.

The facility information must include a list of all materials that are manufactured at each facility. In addition, it must include the plan to prevent the contamination and commingling of the allowed materials with prohibited materials and a flow chart, which reflects the movement of the material from incoming ingredients, through manufacturing and to shipping. Please be sure to provide as much detail as possible.

Inspection Authorization Form (AGR 2814)

By applying for registration on the Brand Name List, the applicant expressly grants to Washington State Department of Agriculture, or authorized representative, the right to enter the facility where the product is manufactured [Chapter 15.86 RCW]. If the product is manufactured by a company other than the applicant, this authorization for inspection must come from the manufacturer.. The manufacturer must give consent to WSDA to conduct announced or unannounced inspections of their manufacturing facility and this consent must be in writing. An Inspection Authorization Form must be submitted by the manufacturer of the product if the manufacturer is a person or company other than the applicant.

Product Label

Product labels must be submitted for all registered products. If the product is sold in bulk, a bill of lading or other identifying documentation may be submitted in lieu of a label, but the product name as listed on the application must be on the invoice

Product labels which use the WSDA logo for registered materials must comply with chapter 16-160-210 WAC given below.

WAC 16-160-210 Labels and logos. A person whose material is registered under this chapter may use the words "approved material under Washington state department of agriculture organic food program" and may use the logo specified in this section in the labeling of the material. Registered materials are not certified as organic by the department and are prohibited from making claims indicating products are "certified organic" or similar term. Materials that are not registered under this chapter are prohibited from using the statement or the logo in this section in the labeling of the material. In addition to the other limitations expressed in this chapter and chapter 15.86 RCW, registration does not imply the Washington department of agriculture endorses the use of the product, does not make any guarantee that the material performs as represented by the registrant, and does not guarantee acceptance for use in organic production by certifying agents other than the department.



Manufacturing Process

A description of the manufacturing process must be submitted for all final products. This includes materials used for the extraction and synthesis of the material that may not become part of the final product. If the manufacturer of the product is different from the applicant, this information must be from the manufacturer, and can be submitted directly to the department on behalf of the applicant.

Material Safety Data Sheet (MSDS)

An MSDS for the final product must be submitted for review. Exceptions may be granted for materials which are not required to have an MSDS.

Ingredient Information

The following information must be submitted for *each ingredient* in a product formulation:

- Description of manufacturing process
- MSDS
- Product label (or technical sheet)
- Invoice or proof of purchase

The description of the manufacturing process for each ingredient must be provided from the manufacturer of the ingredient. Confidential information may be submitted to the WSDA Organic Food Program directly if the manufacturer of the ingredient does not want to provide this information to the primary applicant. Confidential business information submitted by an applicant's ingredient supplier or manufacturer is covered under the program's confidentiality policy.

WSDA Pesticide and Fertilizer Registration

All fertilizer and pesticide products must be registered with WSDA Registration Services. Fertilizer and pesticide applicants for the Brand Name Material List must have their registration issued prior to receiving the organic program registration. Applications for pesticide/fertilizer registration and the Brand Name Material List may be submitted concurrently, but the organic registration will not be issued until pesticide/fertilizer registration is complete.

Pesticide Registration – Pesticides and spray adjuvants must be registered with the WSDA Pesticide Program. They can be contacted at (360) 902-2030 to request an application packet. Forms are also available on their website: <http://www.agr.wa.gov/PestFert/Pesticides/ProductRegistration.aspx>.

Fertilizer Registration – Fertilizers must be registered with the WSDA Fertilizer Program. They can be contacted (360) 902-2025 to request an application packet. Forms are also available on their website: <http://www.agr.wa.gov/PestFert/Fertilizers/ProductRegistration.htm>.

Repacks and Registered Ingredients

Applicants who are applying for a re-pack of a WSDA registered material may submit a letter from the primary contact for that product in lieu of the full product information. This is also accepted for products which contain ingredients which are on the Brand Name Material List. The letter must indicate that the WSDA Organic Food Program may access the current applicant's product file for purposes of registering the new applicant's product. This does not permit the WSDA Organic Food Program to disclose confidential business information to the new applicant.

Full product information must be submitted for products or ingredients which are listed or registered through the Organic Material Review Institute (OMRI), the EPA, or other third party material review organizations. The WSDA Organic Food Program does not use OMRI listing or EPA approval as a basis to register products on the Brand Name Material List.

Completion of a New Application

Applications will not be accepted until all requested information has been received. Applications that are not completed within one year of receipt will not be accepted. Refunds will not be issued if the application has had the initial review. Incomplete applications must re-apply as a new applicant in order to continue with the review process.

Timeline for Review

New applications are generally reviewed within 30 days of receipt. If an application is not complete or if more information is needed, the WSDA will request additional information from the applicant. Once sufficient information is received to determine that the product meets the requirements under Chapter 16-160 WAC and the National Organic Standards, a registration will be issued and the product will appear on the next update to the Brand Name Material List.

Please note that incomplete applications can significantly delay the registration process. Please be sure your application is complete before submitting a product application for review. The Organic Food Program does not guarantee a timeline for registration, however, the typical application can take 90 to 120 days from application receipt to registration decision.

Expedited Evaluation

The program frequently receives requests to conduct expedited evaluations to facilitate material registration and market access. Requests for an expedited evaluation must be submitted by completing AGR 2312 – Request for Expedited Evaluation. Upon receipt of a request for an expedited evaluation, the program will assess the ability to expedite this application. If the request is accepted, the evaluation will be completed within two weeks from the date of receipt of the request. Expedited evaluations are charged an additional fee of \$40 per hour, billed after the evaluation is complete. There is a minimum fee of \$160. Expedited evaluations will be conducted only when adequate staff is available to conduct the evaluation and when the expedited review will not negatively affect the work of the program as a whole. Expedited evaluation does not guarantee the approval or registration of a product.

Registration Approval and Annotations

Registrations are issued for products which comply with Chapter 16-160 WAC and the National Organic Standards. Specific annotations may be noted on the registration for materials which are allowed for only specific applications. Products registered with the WSDA Organic Food Program are *not* certified organic, but are approved for use in certified organic operations.

Reformulation or Withdrawal of New Applications

During the application review process, an applicant may choose to reformulate or voluntarily withdraw their application if it is determined that their product does not meet the National Organic Standards. Reformulations require resubmission of the Full Disclosure of Ingredients. Applications must be withdrawn in writing.

Denial of Product Registration

Products which do not meet the standards may have their application denied through the Administrative Procedures Act, Chapter 34.05 RCW. If the WSDA Organic Food Program determines that a product does not comply with the National Organic Standards, the applicant is issued a Notice of Intent to Deny Registration.

Appeal

Applicants have the right to request an administrative hearing according to Administrative Procedures Act, Chapter 34.05 RCW. All requests are coordinated by the WSDA Administrative Regulations Division and are subject to a formal adjudicative process.

Renewal Application

Renewal Application for Registration of Materials

All registrations expire on October 31st of each year. According to chapter 16-160-150 WAC, if a renewal application has been submitted and the application fee paid, then the registration of any material which has been approved by the director and is in effect on the 31st day of October continues in full force and effect until the director notifies the applicant that the registration has been renewed, or until it is otherwise denied in accordance with chapter 34.05 RCW.

Renewal application packets are mailed to registrants in September of each year. Renewal information is also available on the program website:

<http://www.agr.wa.gov/FoodAnimal/Organic/MaterialsLists.aspx>

Renewal Fee

Renewal fees are set by chapter 16-160-200 WAC and are given in the table below.

Product Type	Renewal Fee
Pesticide	\$300.00
Spray Adjuvant	\$300.00
Processing Aid	\$300.00
Livestock Production Aid	\$300.00
Post-Harvest Material	\$300.00
Fertilizer	\$200.00
Soil Amendment	\$200.00
Crop Production Aid	\$200.00

Late Fee

Renewal applications must be postmarked by October 31. Late renewals are subject to a graduated late fee schedule per chapter 16-160-200 WAC.

Renewal Application Late Fees (Per Product)	
Postmark Date	Late Fee
before Nov 1	\$0.00
Nov 1 - Nov 30	\$100.00
Dec 1 - Dec 31	\$200.00
Jan 1 - Jan 31	\$300.00

Incomplete Renewal Application

Incomplete renewal applications will be returned to the applicant. Renewal registrations will not be issued until the renewal application is complete.

Non-renewals

Renewals not received by October 31st are considered non-renewals. A Notice of Correction (NOC) will be mailed to applicants that fail to renew their registration application. If registrations are not renewed or withdrawn by the deadline listed in the NOC, the material will be removed from the Brand Name Material List. Applicants will need to re-apply for a new registration after this deadline once they have been notified.

Re-review of application

Registered products are subject to periodic re-review to ensure continued compliance with the National Organic Standards. Products may be re-reviewed more frequently in response to changes in the standards or guidance issued by the National Organic Program.

Withdrawal from the Brand Name Material List

An applicant or registrant may voluntarily withdraw products from the Brand Name Material List at any time. Withdrawal must be in writing. Applicants will receive a confirmation letter indicating that the product has been withdrawn. To re-register a withdrawn product, the applicant will need to complete a new application and pay the new application fee.

Changes to Application Information

All changes relating to a business or product information must be reported to the WSDA immediately. There is no additional fee charged for submitting the following changes.

Changes to Business Information – Changes to company ownership, company name or contact information must be made in writing to the WSDA Organic Food Program. If there are no changes to the responsible parties for the manufacturing and labeling of the product, changes can be made to the files and an updated registration will be issued. If there is a change to the responsible party, the application must be withdrawn and a new application must be submitted on behalf of the responsible party.

Product Name Change – Product name change requests must be made in writing and must be accompanied by an updated label. A statement regarding changes to the ingredients and manufacturing process must be included.

Label Changes – Any changes to labels must be submitted to the WSDA Organic Food Program for review.

Formulation/Manufacturing Process – Changes to product formulations and/or manufacturing processes must be submitted in writing to the WSDA Organic Food Program. Applicants must submit an updated Full Disclosure of

Ingredients for any formulation change or change of ingredient supplier. Changes may include, but are not limited to, the following:

- Change of ingredients
- Change of ingredient suppliers
- Change to percentage of ingredients in formulation
- Change of listed purpose of ingredient in formulation
- Changes to manufacturing process, including any extractants, catalysts or other materials that may be used but do not become a part of the finished product.

Applicants may use AGR 2813 Updated Product Formulation Form to report changes to the formulation of a product. This form is located on the WSDA Organic Program website.

The applicant will be notified in writing whether the submitted changes to their product meet the National Organic Standards.

Ingredient Specific Information

Natural vs. Synthetic

National Organic Standard §205.105 requires that all materials used in organic food production must either be nonsynthetic or allowed synthetic ingredients provided for in the National List of Allowed and Prohibited Substances. The National Organic Program offers the following definitions for synthetic and nonsynthetic:

Nonsynthetic (natural). A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Act (7 U.S.C. 6502(21)). For the purposes of this part, nonsynthetic is used as a synonym for natural as the term is used in the Act.

Synthetic. A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

100% Ingredient Information

In order to verify that the ingredients in a product do not contain any materials that are prohibited in organic food production, 100% of the ingredients must be disclosed, including preservatives, stabilizers, anti-caking agents, carriers, inert ingredients, etc. If the MSDS or product label for an ingredient does not clearly list the components and percentage of each ingredient, the applicant must submit further documentation from the manufacturer that lists all components of each ingredient.

Compost

Composted Manure

Compost materials which contain manure or animal by-products as feedstocks must be composted according to §205.203(c)(2) in order to be registered without restrictions. Alternately, manure may also be heat processed according to the National Organic Program guideline NOP 5006 - Processed Manure.

Composts which contain manure or animal by-products which do not meet all of the requirements under §205.203(c)(2) may be registered with restrictions on pre-harvest intervals under §205.203(c)(1).

Compost Permit

Commercial compost facilities located in Washington State must be registered with their county. Applicants with compost products must provide a copy of the county permit which demonstrates they are a licensed composting facility.

Residue Testing

For applicants who accept compost feedstocks from non-organic operations (including, but not limited to manure and greenwaste), there is a risk that these materials may be contaminated with materials that are not approved for use in organic food production, e.g. pesticides, herbicides or heavy metals. Under the National Organic Standards, producers may use materials which do not contribute to the contamination of crops, soil, or water by residues of prohibited substances [§205.203(c)]. To verify that registered composts meet this standard, we require the following tests for pesticide residues in the finished compost:

- Organochlorine pesticides: EPA test methods 8081 or 8081A
- Organophosphate pesticides: EPA test methods 8141, 8141A, or 8141B
- Herbicides: clopyralid, picloram, aminopyralid, bifenthrin

Please contact the organic food program to confirm the acceptability of any other test methods for residue detection. Updates to residue testing may be required every two years as a condition of renewal.

WSDA uses 5% of the lowest EPA Tolerance Level or the FDA Action level for crops to determine allowable pesticide residues in material inputs.

In addition, applicants must submit an analysis for the following metals:

- | | |
|-----------|--------------|
| ▪ Arsenic | ▪ Molybdenum |
| ▪ Cadmium | ▪ Nickel |
| ▪ Cobalt | ▪ Selenium |
| ▪ Lead | ▪ Zinc |
| ▪ Mercury | |

Compost must meet the heavy metal standard as indicated in Chapter 173-350-220 WAC.

Vermicompost

Vermicompost is the process of worms digesting organic matter to transform the material into a beneficial soil amendment. Vermicompost is defined by the NOSB Compost Task Force (NOSB, 2002) as: "Vermicompost is acceptable if (i) made from only allowed feedstock materials, except for incidental residues that will not lead to contamination, (ii) aerobicity is maintained by regular additions of thin layers of organic matter at 1-3 day intervals, (iii) moisture is maintained at 70-90%, and (iv) duration vermicomposting is at least 12 months for outdoor windrows, 4 months for indoor container systems, 4 months for angled wedge systems, or 60 days for continuous flow reactors."

Processed Manure

Processed manure products must be treated so that all portions of the product, without causing combustion, reach a minimum temperature of either 150° F (66° C) for at least one hour or 165° F (74° C), and are dried to a maximum moisture level of 12%; or an equivalent heating and drying process could be used. In determining the acceptability of an equivalent process, processed manure products should not contain more than 1×10^3 (1,000) MPN (Most Probable Number) fecal coliform per gram of processed manure sampled and not contain more than 3 MPN Salmonella per 4 gram sample of processed manure.

Liquid Fertilizers

On February 20, 2009, the USDA National Organic Program (NOP) issued a notice that all liquid fertilizer inputs that have a nitrogen analysis higher than 3% need to have an inspection to verify compliance with the National Organic Standards. This document is available on the NOP website: [2/20/2009 Liquid Nitrogen Fertilizers](#)

Approval for registration on the WSDA Brand Name Material List is based on a document review. Current WSDA regulations do not provide for an inspection in conjunction with the registration. Because of this, we are unable to meet the requirements of the February 20, 2009 notice and will not accept applications for liquid fertilizers that have a nitrogen analysis higher than 3%.

The WSDA Organic Food Program has implemented new requirements for liquid fertilizers with nitrogen analyses of equal to or less than 3%, since these products may be at a higher risk of adulteration with prohibited sources of nitrogen. The following additional information must be submitted in support of an application for a liquid fertilizer:

Nutrient analysis for ingredients – In order to perform a nutrient budget on the final product, a nutrient analysis of each ingredient listed on the Full Disclosure of Ingredients is required. The analysis must include, but is not limited to, levels of nitrogen, phosphorus and potassium (NPK) in each ingredient. If it is appropriate, a protein analysis may be submitted in lieu of a nitrogen analysis. Please note that nutrient analysis is not required for ingredients which do not contribute to the nutrient guarantee.

Batch records – Applicants must provide the following information regarding the last batch of product that was manufactured:

- Date of last production
- Amount of each ingredient used in the last batch production
- Amount of final product (in volume or weight)
- Density (e.g. lbs/gallon) of the finished product

Mold and bacteria inhibition – Specific information regarding the practices implemented to prohibit mold and bacteria from growing in the final product must be submitted. This may include steps taken during manufacturing or materials used to prevent contamination.

Upon review of the documentation above, further information may be requested to verify the product complies with the National Organic Standards. This may include a requirement for isotope testing or additional laboratory analysis to identify the source of nitrogen.

GMO, Sewage Sludge, Irradiation

The National Organic Program prohibits the use of sewage sludge, ionizing radiation and excluded methods [§205.105(e)-(g)]. Applicants must provide verification that prohibited practices have not been used in the production of their product or the ingredients in their product. Applicants may use AGR 2812 Prohibited Practices Statement to document this requirement. Note that the form must be signed by the manufacturer of the product or the ingredient, if different than the applicant.

Metal Analysis

WSDA Fertilizer Registration requires that all fertilizer products meet the Washington standard for metals. For soil amendments which are exempt from WSDA Fertilizer registration, a current analysis of the metals must be submitted as part of the Organic Food Program registration. The test should include elements required by WAC 16-200-7064.

What are the Washington standards for metals? (WAC 16-200-7064)

(1) The standards for metals in Washington are the maximum acceptable annual metals additions to soils adopted in RCW 15.54.800 and are presented in the table below. Because the Canadian standards contained in the Canadian Trade Memorandum T-4-93 dated August 1996 are based on long-term (forty-five-year) cumulative metals additions to soils, the maximum acceptable annual metals additions to soils are determined by dividing the Canadian standards by forty-five. The Washington standards are expressed as pounds per acre per year.

Washington Standards For Metals.

Metals	lbs/acre/yr
Arsenic (As)	.297
Cadmium (Cd)	.079
Cobalt (Co)	.594
Mercury (Hg)	.019
Molybdenum (Mo)	.079
Nickel (Ni)	.713
Lead (Pb)	1.981
Selenium (Se)	.055
Zinc (Zn)	7.329

(2) To be registered with the department and distributed in Washington, a commercial fertilizer must not exceed the above standards. Because cobalt (Co), molybdenum (Mo), and zinc (Zn) are also plant nutrients, higher concentrations than those presented in the table may be permitted. Commercial fertilizers which contain cobalt (Co), molybdenum (Mo), and/or zinc (Zn) concentrations may be registered and distributed in Washington if those metals

are used as plant nutrients and those metals meet all applicable minimum guarantees and labeling requirements of chapter 15.54 RCW and the rules adopted thereunder.

(3) If a commercial fertilizer contains cobalt (Co), molybdenum (Mo), or zinc (Zn) and any one or more of those metals are not intended to be used as a plant nutrient, then the nonplant nutrient metals must meet the Standards shown in table above.

Recordkeeping

Registrants must maintain records sufficient to verify that the materials are approved for use in organic production, processing or handling and comply with the appropriate state and federal regulations pertaining to material inputs. These records must include, but are not limited to, records pertaining to incoming raw materials, production records, finished material records, and storage records. These records must be provided to the department upon request and must be available during an announced inspection.

Inspections

By applying for registration on the Brand Name Materials List, the registrant grants to the Organic Food Program or other certifying agent or inspection agent approved by the National Organic Program, the right to enter the registrants premises during normal business hours. The inspection will occur on the portion of the premises where the materials, inputs or ingredients are stored, produced, manufactured, packaged or labeled. The inspection will also include an audit of records related to sales, storage, production, manufacturing, packaging or labeling of the materials, inputs or ingredients. A sample may be obtained by the inspector that will be forwarded to the state agricultural lab or other ISO accredited lab approved by the department.

If the applicant is packaging or distributing a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product, the applicant must submit a signed Request for Inspection Authorization (AGR 2814) form signed by the responsible party.

Inspections may be conducted as a condition of ongoing compliance, after receiving an initial or renewal application, after receiving notification of a change to an application or upon receipt of a complaint. Inspections may also occur as required by the USDA National Organic Program. Inspections may be announced or unannounced.

Logo Usage

The following logo may be used to label or market materials registered by the WSDA Organic Food Program for the Brand Name Material List:



Approved use of the WSDA Organic Food Program material registration logo is defined under chapter 16-160-210 WAC.

Electronic copies of the registered material logo are available from the WSDA Organic Food Program. The logo is available in gif, jpg, png, and eps formats. Please contact the office directly for electronic versions of the logo at (360) 902-1805 or organic@agr.wa.gov.

Confidentiality

Trade secrets are confidential and exempt from public disclosure under the Uniform Trade Secrets Act, chapter 19.108 RCW and RCW 42.56.070(1). **Applicants should mark the information in the application they consider being confidential under the Trade Secrets Act or other law.**

Ingredient formulations and manufacturing processes are considered confidential business information. Correspondence concerning confidential information can only be directed to the primary contact listed on the product application. Additional contacts authorized for confidential information must be designated in writing by the primary applicant. Product labels and registrations are not considered confidential business information and are available for public disclosure.

An applicant for material registration may have their ingredient supplier submit confidential ingredient information directly to the WSDA Organic Food Program in support of their application. Information received from ingredient suppliers is considered confidential and cannot be disclosed to the primary applicant.

All staff employed by the WSDA Organic Food Program sign annual confidentiality agreements (AGR 2197). Accreditation bodies and other persons accompanying inspectors during inspections may have access to confidential business information if they agree to maintain confidentiality, sign the confidentiality agreement, and disclose any conflicts of interest. Persons with conflicts of interest may not accompany inspectors during inspections.

Refund Policy

Refunds for Brand Name Material Registration

Refunds may be requested at any time during the registration process; however, refunds will only be issued under the criteria listed below. All requests for refunds must be received in writing.

Nonrefundable Fees

Late Fee. This fee applies to all renewal applications that are postmarked after October 31.
Inspection Fees. Inspections, if required, are billed at forty dollars per hour plus travel costs.

New Applicants

Prior to review of application: \$200 of the new application fee is nonrefundable.
After review of the application: All fees are nonrefundable.

Renewal Applicants

Prior to review of application: \$100 of the renewal application fee is nonrefundable.
After review of the application: All fees are nonrefundable.

If a renewal applicant is requesting a refund due to withdrawal from the Organic Food Program Material Registration Program, the following items must be submitted:

- A written request to withdraw
- The original Material Registration that was issued

Credit

If an applicant has overpaid fees, the remaining balance will be credited to their account unless a refund is specifically requested. Credits will be applied to future costs associated with registration.

Electronic References

National Organic Program

National Organic Program

National Organic Program Document Control Master List

National Organic Standards Board (NOSB) Petitioned Substance Database

Regulations

USDA National Organic Standards, 7 CFR Part 205

WAC 16-160 Registration of materials for organic food production

EPA

EPA List of Inert Ingredients

EPA Labeling of Pesticide Products under the National Organic Program (NOP)

FDA

FDA Action Levels for Poisonous or Deleterious Substances in Human Food and Animal Feed

International Organic Standards

European Union (EEC 834/2007)

Japanese Agricultural Standard (JAS)

Canada Organic Regime (COR)



WASHINGTON STATE LEGISLATURE

Legislature Home | Senate | House of Representatives | Contact Us | Search | Help

Inside the Legislature

- * Find Your Legislator
- * Visiting the Legislature
- * Agendas, Schedules and Calendars
- * Bill Information
- * Laws and Agency Rules
- * Legislative Committees
- * Legislative Agencies
- * Legislative Information Center
- * E-mail Notifications (Listserv)
- * Civic Education
- * History of the State Legislature

Outside the Legislature

- * Congress - the Other Washington
- * TVW
- * Washington Courts
- * OFM Fiscal Note Website



[WACs](#) > [Title 16](#) > [Chapter 16-160](#)

Chapter 16-160 WAC

Last Update: 9/8/10

Registration of materials for organic food production

[Chapter Listing](#)

WAC Sections

- [16-160-010](#) Purpose of this chapter.
- [16-160-020](#) Definitions.
- [16-160-120](#) Applications.
- [16-160-130](#) General application requirements.
- [16-160-140](#) Initial application requirements.
- [16-160-150](#) Renewal application requirements.
- [16-160-160](#) Updating an application.
- [16-160-170](#) Confidential information.
- [16-160-180](#) Inspections.
- [16-160-190](#) Recordkeeping requirements.
- [16-160-200](#) Fees.
- [16-160-210](#) Labels and logos.
- [16-160-220](#) Suspension, revocation, cancellation, and denial of registrations.

DISPOSITIONS OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-160-025 What materials are approved for use in organic food production, processing and handling? [Statutory Authority: Chapter [15.86](#) RCW. 99-16-054, § 16-160-025, filed 7/30/99, effective 8/30/99.] Repealed by 03-03-045, filed 1/10/03, effective 2/10/03. Statutory Authority: Chapter [15.86](#) RCW.
- 16-160-030 Do I need to register my brand name material with the organic food program? [Statutory Authority: Chapters [15.86](#) and [34.05](#) RCW. 07-17-017, § 16-160-030, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter [15.86](#) RCW. 99-16-054, § 16-160-030, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-030, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW [15.86.060](#), [15.86.130](#), and chapter [34.05](#) RCW.
- 16-160-035 Brand name materials list. [Statutory Authority: Chapters [15.86](#) and [34.05](#) RCW. 07-17-017, § 16-160-035, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter [15.86](#) RCW. 03-03-045, § 16-160-035, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-035, filed 7/30/99, effective 8/30/99.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW [15.86.060](#), [15.86.130](#), and chapter [34.05](#) RCW.
- 16-160-040 How do I apply for registration? [Statutory Authority: Chapters [15.86](#) and [34.05](#) RCW. 07-17-017, § 16-160-040, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter [15.86](#) RCW. 99-16-054, § 16-160-040, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-040, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW [15.86.060](#), [15.86.130](#), and chapter [34.05](#) RCW.
- 16-160-050 When do registrations expire? [Statutory Authority: Chapter [15.86](#) RCW. 99-16-054, § 16-160-050, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-050, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW [15.86.060](#), [15.86.130](#), and chapter [34.05](#) RCW.
- 16-160-060 What criteria are used to determine if a brand name material is approved? [Statutory Authority: Chapters [15.86](#) and [34.05](#) RCW. 07-17-017, § 16-160-060, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter [15.86](#) RCW. 03-03-045, § 16-160-060, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-060, filed 7/30/99, effective 8/30/99; 91-20-013, § 16-160-060, filed 9/20/91, effective 10/21/91; 91-05-007, § 16-160-060, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW [15.86.060](#), [15.86.130](#), and chapter [34.05](#) RCW.
- 16-160-070 Application fees. [Statutory Authority: Chapters [15.86](#) and [34.05](#) RCW. 07-17-017, § 16-160-070, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter [15.86](#) RCW. 03-03-045, § 16-160-070, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-070, filed 7/30/99, effective 8/30/99; 91-05-

- 007, § 16-160-070, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
- 16-160-080 Inspections. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-080, filed 8/6/07, effective 9/6/07.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
- 16-160-090 Denial or revocation of a registration. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-090, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-090, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-090, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
- 16-160-100 Labeling of registered brand name materials and use of organic logo. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-100, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-100, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-100, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
- 16-160-110 Organic material registration logo. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-110, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-110, filed 7/30/99, effective 8/30/99.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.

16-160-010

Purpose of this chapter.

This chapter specifies the process for registering materials approved for use in organic production, processing and handling on the department's brand name materials list. This chapter is promulgated pursuant to chapter 109, Laws of 2010 to implement the brand name materials list.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-010, filed 9/8/10, effective 10/9/10. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-010, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-010, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-010, filed 2/7/91, effective 3/10/91.]

16-160-020

Definitions.

As used in this chapter:

"Animal manure" means feces, urine, other excrement, and bedding produced by livestock that has not been composted.

"Authorized representative" means either the registrant or a person authorized by the registrant to act on the registrant's behalf and bind the registrant for purposes of this chapter and registration on the brand materials list.

"Compost" means the product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil.

"Crop production aid" means any substance, material, structure, or device that is used to aid a producer of an agricultural product except for fertilizers and pesticides.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of the department of agriculture or the director's designee.

"Fertilizer" means a single or blended substance containing one or more recognized plant nutrients which is used primarily for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.

"Label" means a display of written, printed, or graphic material on the immediate container of an agricultural product or any such material affixed to any agricultural product or affixed to a bulk container containing an agricultural product, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.

"Labeling" includes all written, printed, or graphic material accompanying an agricultural

product at any time or written, printed, or graphical material about the agricultural product displayed at retail stores about the product.

"Livestock production aid" means any substance, material, structure, or device that is used to aid a producer in the production of livestock such as parasiticides, medicines, feed additives.

"Manufacturer" means a person that compounds, produces, granulates, mixes, blends, repackages, or otherwise alters the composition of materials.

"Material" means any substance or mixture of substances that is intended to be used in agricultural production, processing, or handling.

"National Organic Program" means the program administered by the United States Department of Agriculture pursuant to 7 C.F.R. Part 205, which implements the federal Organic Food Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.).

"Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that include biosolids as defined in chapter 70.95J RCW.

"Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

"Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and

(c) Any substance or mixture of substances intended to be used as a spray adjuvant.

"Post-harvest material" means any substance, material, structure, or device that is used in the post-harvest handling of agricultural products.

"Processing aid" means a substance that is added to a food:

(a) During processing, but is removed in some manner from the food before it is packaged in its finished form;

(b) During processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; and

(c) For its technical or functional effect in the processing but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food.

"Registrant" means the person registering a material on the brand name materials list under the provisions of this chapter.

"Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except for fertilizers and pesticides.

"Spray adjuvant" means any product intended to be used with a pesticide as an aid to the application or to the effect of the pesticide and that is in a package or container separate from the pesticide. Spray adjuvant includes, but is not limited to, wetting agents, spreading agents, deposit builders, adhesives, emulsifying agents, deflocculating agents, and water modifiers or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to its application or to its effect. Spray adjuvant does not include products that are only intended to mark the location where a pesticide is applied.

"USDA" means the United States Department of Agriculture.

effective 2/10/03; 99-16-054, § 16-160-020, filed 7/30/99, effective 7/30/99; 91-05-007, § 16-160-020, filed 2/7/91, effective 3/10/91.]

16-160-120

Applications.

(1) Registration of a material on the brand name materials list is voluntary. While registration is not required for a material to be used or sold in this state, registration is necessary for a material to be included on the brand name materials list.

(2) Registration of a material on the brand name materials list under this chapter does not guarantee acceptance for use in organic production, processing, or handling by organic certifying agents other than the department. The department is not liable for any losses or damage that occurs as a result of use of a material registered on the brand name materials list.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-120, filed 9/8/10, effective 10/9/10.]

16-160-130

General application requirements.

(1) Manufacturers of materials used in organic production, processing or handling may submit an application for registration on the brand name material list to the department.

(2) Manufacturers may submit applications to the department at:

Washington State Department of Agriculture

Organic Food Program

P.O. Box 42560

Olympia, WA 98504-2560.

These forms may also be found on the department's web site at:
<http://agr.wa.gov/foodanimal/organic>

(3) Applications for registration will not be approved unless the applicant demonstrates that the material meets the requirements and standards of the National Organic Program and is approved for use in organic production, processing, or handling in accordance with the National Organic Program. Specifically, the material may not be a material prohibited for the use in the production or handling of organic products by 7 C.F.R. Section 205.105, and may not be otherwise prohibited for use in organic production and handling by the National Organic Program.

(4) All registrations expire on October 31st of the registration year.

(5) Requests for expedited review must be submitted on a form provided by the department. If approved, expedited review is billed as provided under WAC 16-160-200.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-130, filed 9/8/10, effective 10/9/10.]

16 0-140**Initial application requirements.**

(1) Applications must be submitted on the form provided by the department, and must include:

(a) Material registrant agreement in which the registrant agrees to comply with chapter 16-160 WAC.

(b) The name and address of the registrant.

(c) Manufacturer information:

(i) Name and address of the manufacturer;

(ii) Contact information, including the name and phone number of the authorized representative of the registrant; and

(iii) List of all material manufactured at the same facility as the registered material.

(d) The brand name that the material is sold under.

(e) A copy of the label or bill of lading accompanying the material and a statement of all claims made for it, including directions and precautions for use.

(f) The complete formula or any alternate formulations for the material, including active and inert ingredients:

(i) Supplier of each ingredient;

(ii) Percentage of ingredient in the final formula; and

(iii) Purpose of each ingredient in the formula.

(g) Ingredient information for each ingredient listed in the formula (including alternate formulas) sufficient to demonstrate compliance with the standards of the National Organic Program:

(i) Manufacturing process; and

(ii) Formulation, including active and inert ingredients.

(h) A description of the manufacturing process for the material, including all substances used for the extraction and synthesis process, if appropriate. If the manufacturing facility manufactures materials other than the material listed in the application, the application must include a plan to prevent the contamination or commingling of materials allowed or prohibited in organic agriculture.

(i) A flow chart, indicating movement of material from incoming ingredient to outgoing final material. The flow chart may include, but is not limited to:

(i) Storage facilities;

(ii) Equipment location; and

(iii) Shipping facilities.

(j) The intended use of the material.

(k) The required fee for registration.

(l) Signature by authorized representative.

(m) The department may request additional information related to the items above as necessary to demonstrate that the material meets the standards of the National Organic Program.

(2) Applications for fertilizers and pesticides must submit verification of a valid registration from the WSDA pesticide management division.

(3) In addition to the information required in this section, a registrant who is packaging or

disclaiming a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product must submit a statement from the manufacturer of the material granting the department access to the manufacturing facility and authorizing inspections in accordance with WAC 16-160-180.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-140, filed 9/8/10, effective 10/9/10.]

16-160-150

Renewal application requirements.

(1) Renewal applications must be submitted on the form provided by the department, and must include the following:

(a) Material registrant agreement in which the registrant agrees to comply with chapter 16-160 WAC;

(b) Name(s) of the material(s) seeking renewal;

(c) Name and address of the manufacturing facility(ies) for each registered material;

(d) Notification of changes to the original application;

(e) Signature of authorized representative; and

(f) The required fee for renewal. Renewal applications postmarked after October 31st must include the appropriate late fee as listed under WAC 16-160-200.

(2) Registrants who package or distribute a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product must annually submit a statement from the manufacturer of the material granting the department access to the manufacturing facility and authorizing inspections in accordance with WAC 16-160-180.

(3) Full disclosure of the complete formula of the material, including active and inert ingredients, is required every five years.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-150, filed 9/8/10, effective 10/9/10.]

16-160-160

Updating an application.

If any changes to the information provided in an initial or renewal application occurs at any time after the application is submitted, the registrant must immediately submit the corrected information to the department for review. This information includes, but is not limited to, changes in material formulation, ingredient suppliers, manufacturing facilities or processes, labels or other production or marketing processes. The corrected information must be provided in writing. Failure by the registrant to provide correction to the information provided in an application may result in suspension or revocation of the registration.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-160, filed 9/8/10, effective 10/9/10.]

16-160-170**Confidential information.**

Any information provided to the department under this chapter that the registrant desires to claim as exempt from disclosure under the provisions of chapter 42.56 RCW, the Public Records Act, or as a trade secret under chapter 19.108 RCW, the Uniform Trade Secrets Act, or other statute must be clearly designated as confidential. However, the determination of whether the information is exempt from disclosure will be based solely upon chapter 42.56 RCW or other applicable law.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-170, filed 9/8/10, effective 10/9/10.]

16-160-180**Inspections.**

(1) By applying for registration on the brand name materials list, the registrant expressly grants to jurisdiction of the state of Washington in all matters related to the registration.

(2) By applying for registration on the brand name materials list, the registrant expressly grants the department or other organic certifying agent or inspection agent approved by the National Organic Program the right to enter the registrant's premises during normal business hours or at other reasonable times to:

(a) Inspect the portion of the premises where the materials, inputs or ingredients are stored, produced, manufactured, packaged or labeled;

(b) Inspect records related to the sales, storage, production, manufacture, packaging or labeling of the material, inputs or ingredients; and

(c) Obtain samples of materials, inputs or ingredients.

(3) Inspections may be conducted as a condition of ongoing compliance, after receiving an initial or a renewal application, notification of a change to an application, upon receipt of a complaint, or as required by the National Organic Program. Inspections may be announced or unannounced.

(4) Registrants who package or distribute a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product must annually submit a statement from the manufacturer of the material granting the department access to the manufacturing facility and authorizing inspections. The signed consent must be on a form provided by the department.

(5) Should the registrant or manufacturer refuse to allow inspection of the premises or records or fail to provide samples, the registration on the brand name materials list is canceled as provided under WAC 16-160-220. The department shall deny applications for registration where the registrant refuses to allow the inspection of the premises or records, fails to provide samples as provided in this section, or fails to provide the department with the consent described in subsection (4) of this section.

(6) Inspections must be documented on a form approved by the department. Inspections conducted by an inspection body other than the department will be accepted when a review determines that the inspection document is sufficient to demonstrate compliance with the standards of the National Organic Program.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-180, filed 9/8/10, effective 10/9/10.]

16-160-190**Recordkeeping requirements.**

(1) Registrants must maintain records sufficient to verify that the materials are approved for use in organic production, processing, or handling and comply with the standards of the National Organic Program. These records may include:

- (a) Records pertaining to incoming raw materials:
 - (i) Invoices/bills of lading;
 - (ii) Transportation documentation;
 - (iii) Material safety data sheets;
 - (iv) Storage documentation.
 - (b) Production records:
 - (i) Material formulations;
 - (ii) Dates of production;
 - (iii) Amount of ingredients used in each batch;
 - (iv) Amount of final materials;
 - (v) Sampling and/or laboratory analyses;
 - (vi) Lot identification and tracking;
 - (vii) Other records maintained during manufacturing.
 - (c) Finished material records:
 - (i) Packaging documentation;
 - (ii) Sales documentation;
 - ☐ Purchase orders;
 - ☐ Receipts;
 - ☐ Shipping documents;
 - (iii) Storage documentation.
- (2) Records shall be maintained for six years.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-190, filed 9/8/10, effective 10/9/10.]

16-160-200**Fees.**

The following fees apply to applicants and registrants to the brand name materials list.

(1) **Initial material registration:**

- (a) The application fee for initial registration of a pesticide, spray adjuvant, processing aid, livestock production aid or post-harvest material is five hundred dollars per material.
- (b) The application fee for initial registration of a fertilizer, soil amendment, organic waste derived material, compost, animal manure or crop production aid is four hundred dollars per material.

(2) **Renewal registration:** The application fee for renewing a registration for a pesticide,

spr, adjuvant, processing aid, livestock production or post-harvest material is three hundred dollars per material. The application fee for renewing a registration for a fertilizer, soil amendment, organic waste derived material, compost, animal manure or crop production aid is two hundred dollars per material.

(3) **Late fees:** Renewal applications postmarked after October 31st must include a late fee in addition to the renewal fee. Renewal applications received after February 2nd will not be accepted.

If your application is postmarked after October 31st but before:		Then the late fee is:	
December 1		\$100	
January 1		\$200	
February 1		\$300	

(4) **Inspections:** Inspections conducted by the department, including report writing, will be billed at forty dollars per hour plus travel costs and mileage which shall be charged at the rate established by the state office of financial management. Fees assessed for inspections conducted by third-party inspection agencies are established by that agency. Registrants may contact the inspection agency to determine the applicable fee for those inspections.

(5) **Samples:** Chemical analysis of samples, if required for registration or renewal, or obtained during an inspection, will be charged to the applicant at a rate established by the department of agriculture or at the cost for analyses performed by another laboratory.

(6) **Expedited evaluation fees:** Requests for expedited reviews may be submitted and, if approved, are billed at the rate of forty dollars per hour.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-200, filed 9/8/10, effective 10/9/10.]

16-160-210

Labels and logos.

A person whose material is registered under this chapter may use the words "approved material under Washington state department of agriculture organic food program" and may use the logo specified in this section in the labeling of the material. Registered materials are not certified as organic by the department and are prohibited from making claims indicating products are "certified organic" or similar term. Materials that are not registered under this chapter are prohibited from using the statement or the logo in this section in the labeling of the material. In addition to the other limitations expressed in this chapter and chapter 15.86 RCW, registration does not imply the Washington department of agriculture endorses the use of the product, does not make any guarantee that the material performs as represented by the registrant, and does not guarantee acceptance for use in organic production by certifying agents other than the department.



[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-210, filed 9/8/10, effective 10/9/10.]

16-160-220

Suspension, revocation, cancellation, and denial of registrations.

(1) Registrations on the brand name materials list, and applications for registration, are governed by chapter 34.05 RCW. The director may deny, suspend, cancel, or revoke a registration on the brand name materials list if the director determines that a registrant has failed to meet the registration criteria established under chapter 15.86 RCW or chapter 16-160 WAC, or violated any other provision under chapter 15.86 RCW or chapter 16-160 WAC.

(2) Application or registrations will be revoked, canceled, or denied if a material fails to meet the standards for approval or is no longer approved for use in organic production, processing, or handling by the National Organic Program.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-220, filed 9/8/10, effective 10/9/10.]



Legislature Home | Senate | House of Representatives | Contact Us | Search | Help

Inside the Legislature

- * Find Your Legislator
- * Visiting the Legislature
- * Agendas, Schedules and Calendars
- * Bill Information
- * Laws and Agency Rules
- * Legislative Committees
- * Legislative Agencies
- * Legislative Information Center
- * E-mail Notifications (Listserv)
- * Civic Education
- * History of the State Legislature

Outside the Legislature

- * Congress - the Other Washington
- * TVW
- * Washington Courts
- * OFM Fiscal Note Website



[RCWs](#) > [Title 15](#) > [Chapter 15.86](#)

Chapter 15.86 RCW Organic products

[Chapter Listing](#) | [RCW Dispositions](#)

RCW Sections

[15.86.010](#) Purpose.

[15.86.020](#) Definitions.

[15.86.030](#) Marketing of organic products -- Standards -- Restrictions -- Evaluations to verify compliance.

[15.86.060](#) Rules -- National organic program -- Violations -- Penalties.

[15.86.065](#) State organic program -- Authority of department and director -- Rules.

[15.86.070](#) Rules -- Certification program -- Fees.

[15.86.090](#) Mandatory certification -- Exceptions.

[15.86.110](#) Confidentiality of business related information.

[15.86.120](#) Transitional product -- Standards -- Fees -- Evaluations to verify compliance.

[15.86.130](#) Brand name materials list of registered materials -- Application for registration -- Right to enter premises -- Rules -- Denial/suspension/revocation of a registration, grounds.

[15.86.140](#) Brand name materials list -- Fees.

Notes:

Kosher food products: Chapter [69.90](#) RCW.

15.86.010

Purpose.

The legislature recognizes a public benefit in:

- (1) Establishing standards governing the labeling and advertising of agricultural products and commodities as organic products or transitional products;
- (2) Providing certification under the national organic program for agricultural products marketed and labeled using the term "organic" or a derivative of the term "organic;"
- (3) Providing access for Washington producers, processors, and handlers to domestic and international markets for organic products;
- (4) Establishing a state organic program or obtaining federal accreditation as a certifying agent under the national organic program; and
- (5) Establishing a brand name materials list for registration of inputs that comply with national, international, or other organic standards.

[2010 c 109 § 1; 2002 c 220 § 1; 1992 c 71 § 1; 1985 c 247 § 1.]

15.020**Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certification" or "certified" means a determination documented by a certificate of organic operation made by a certifying agent that a production or handling operation is in compliance with the national organic program or with international standards.

(2) "Compost" means the product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil.

(3) "Crop production aid" means any substance, material, structure, or device that is used to aid a producer of an agricultural product except for fertilizers and pesticides.

(4) "Department" means the state department of agriculture.

(5) "Director" means the director of the department of agriculture or the director's designee.

(6) "Fertilizer" means a single or blended substance containing one or more recognized plant nutrients which is used primarily for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.

(7) "Handler" means any person who sells, distributes, or packs organic or transitional products.

(8) "Label" means a display of written, printed, or graphic material on the immediate container of an agricultural product or any such material affixed to any agricultural product or affixed to a bulk container containing an agricultural product, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.

(9) "Labeling" includes all written, printed, or graphic material accompanying an agricultural product at any time or written, printed, or graphic material about the agricultural product displayed at retail stores about the product.

(10) "Livestock production aid" means any substance, material, structure, or device that is used to aid a producer in the production of livestock such as parasiticides, medicines, and feed additives.

(11) "Manufacturer" means a person that compounds, produces, granulates, mixes, blends, repackages, or otherwise alters the composition of materials.

(12) "Material" means any substance or mixture of substances that is intended to be used in agricultural production, processing, or handling.

(13) "National organic program" means the program administered by the United States department of agriculture pursuant to 7 C.F.R. Part 205, which implements the federal organic food production act of 1990 (7 U.S.C. Sec. 6501 et seq.).

(14) "Organic certifying agent" means any third-party certification organization that is recognized by the director as being one which imposes, for certification, standards consistent with this chapter.

(15) "Organic product" means any agricultural product, in whole or in part, including meat, dairy, and beverage, that is marketed using the term organic or any derivative of organic and that is produced, handled, and processed in accordance with this chapter.

(16) "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that contain biosolids as defined in chapter

70.95J RCW.

(17) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for

the benefit of creditors.

(18) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus, except a virus on or in a living human being or other animal, which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(d) Any other substances intended for such use as may be named by the director by rule.

(19) "Postharvest material" means any substance, material, structure, or device that is used in the postharvest handling of agricultural products.

(20) "Processing aid" means a substance that is added to a food:

(a) During processing, but is removed in some manner from the food before it is packaged in its finished form;

(b) During processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; and

(c) For its technical or functional effect in the processing but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food.

(21) "Processor" means any person engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, or otherwise processing of an organic or transitional product.

(22) "Producer" means any person or organization who or which grows, raises, or produces an agricultural product.

(23) "Registrant" means the person registering a material on the brand name materials list under the provisions of this chapter.

(24) "Represent" means to hold out as or to advertise.

(25) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

(26) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except for fertilizers and pesticides.

(27) "Spray adjuvant" means any product intended to be used with a pesticide as an aid to the application or to the effect of the pesticide and that is in a package or container separate from the pesticide. "Spray adjuvant" includes, but is not limited to, wetting agents, spreading agents, deposit builders, adhesives, emulsifying agents, deflocculating agents, and water modifiers or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to its application or to its effect. "Spray adjuvant" does not include products that are only intended to mark the location where a pesticide is applied.

(28) "Transitional product" means any agricultural product that meets requirements for organic certification, except that the organic production areas have not been free of prohibited substances for thirty-six months. Use of prohibited substances must have ceased for at least twelve months prior to the harvest of a transitional product.

[2010 c 109 § 2; 2002 c 220 § 2; 1992 c 71 § 2; 1989 c 354 § 32; 1985 c 247 § 2.]

Notes:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Severability -- 1989 c 354: See note following RCW 15.36.012.

15.86.030**Marketing of organic products — Standards — Restrictions — Evaluations to verify compliance.**

(1) To be labeled, sold, or represented as an organic product, a product must be produced under standards established in this chapter or rules adopted pursuant to this chapter. A producer, processor, or handler shall not represent, sell, or offer for sale any agricultural product with the representation that the product is organic if the producer, processor, or handler knows, or has reason to know, that the product has not been produced, processed, or handled in accordance with standards established in this chapter or rules adopted pursuant to this chapter.

(2) The department may conduct evaluations in retail establishments to verify compliance with organic labeling and advertising requirements of this chapter, rules adopted pursuant to this chapter, and the national organic program.

[2010 c 109 § 3; 2002 c 220 § 3; 1992 c 71 § 3; 1989 c 354 § 30; 1985 c 247 § 3.]

Notes:

Effective date -- 1989 c 354 § 30: "Section 30 of this act shall take effect on January 1, 1991." [1989 c 354 § 87.]

Severability -- 1989 c 354: See note following RCW 15.36.012.

Violation of RCW 15.86.030 constitutes violation of RCW 19.86.020; RCW 19.86.023.

15.86.060**Rules — National organic program — Violations — Penalties.**

(1) The director shall adopt rules, in conformity with chapter

34.05 RCW, as the director believes are appropriate for the adoption of the national organic program and for the proper administration of this chapter.

(2)(a) The director shall issue orders to producers, processors, or handlers whom the director finds are violating RCW 15.86.030 or 15.86.090 or rules adopted pursuant to this chapter, to cease their violations and desist from future violations.

(b) Whenever the director finds that a producer, processor, or handler has committed a violation, the director shall impose on and collect from the violator a civil fine not exceeding the total of:

(i) The state's estimated costs of investigating and taking appropriate administrative and enforcement actions in respect to the violation; and

(ii) One thousand dollars.

[2010 c 109 § 4; 2002 c 220 § 4; 1992 c 71 § 7; 1985 c 247 § 6.]

15.86.065**State organic program — Authority of department and director — Rules.**

(1) The department is authorized to take such actions, conduct proceedings, and enter orders as permitted or contemplated for a state organic program or certifying agent under the national organic program.

(2) The director may deny, suspend, or revoke a certification provided for in this chapter if

the director determines that an applicant or certified person has violated this chapter or rules adopted pursuant to this chapter.

(3) The program shall not be inconsistent with the requirements of the national organic program.

(4) The department shall adopt rules necessary to implement this section.

[2010 c 109 § 5; 2002 c 220 § 7.]

15.86.070

Rules — Certification program — Fees.

(1) The director may adopt rules establishing a program for certifying producers, processors, and handlers as meeting state, national, or international standards for organic or transitional products.

(2) The rules:

(a) May govern, but are not limited to governing:

(i) The number and scheduling of on-site visits, both announced and unannounced, by certification personnel;

(ii) Recordkeeping requirements; and

(iii) The submission of product samples for chemical analysis; and

(b) Shall include a fee schedule that will provide for the recovery of the full cost of the program.

(3) All fees collected under this chapter shall be deposited in an account within the agricultural local fund. The revenue from such fees shall be used solely for carrying out the provisions of this chapter, and no appropriation is required for disbursement from the fund.

(4) The director may employ such personnel as are necessary to carry out the provisions of this chapter.

[2010 c 109 § 6; 2002 c 220 § 5; 1997 c 303 § 4; 1992 c 71 § 10; 1989 c 354 § 34; 1987 c 393 § 12.]

Notes:

Findings -- 1997 c 303: See note following RCW [43.135.055](#).

Severability -- 1989 c 354: See note following RCW [15.36.012](#).

15.86.090

Mandatory certification — Exceptions.

(1) It is unlawful for any person to sell, offer for sale, or process any agricultural product within this state with an organic label unless that person is certified under this chapter by the department or a recognized organic certifying agent.

(2) Subsection (1) of this section shall not apply to:

(a) Final retailers of organic products that do not process organic products; or

(b) Producers who sell no more than five thousand dollars annually in value of agricultural products directly to consumers.

[2010 c 109 § 7; 2002 c 220 § 6; 1992 c 71 § 8.]

Notes:

Captions not law -- 1992 c 71: "Captions as used in sections 6, 8, 9, and 13 of this act do not constitute part of the law." [1992 c 71 § 13.]

15.86.110**Confidentiality of business related information.**

(1) Except as provided in subsection (2) of this section, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying under chapter

42.56 RCW.

(2) Applications for certification under this chapter and laboratory analyses pertaining to that certification shall be available for public inspection and copying.

[2005 c 274 § 218; 1992 c 71 § 11.]

Notes:

Part headings not law -- Effective date -- 2005 c 274: See RCW 42.56.901 and 42.56.902.

15.86.120**Transitional product — Standards — Fees — Evaluations to verify compliance.**

(1) To be labeled, sold, or represented as transitional products, agricultural products must comply with transitional product standards specified in this chapter and rules adopted pursuant to this chapter, including no application of substances prohibited under the national organic program within one year immediately preceding harvest.

(2) A producer, processor, or handler may not represent, sell, or offer for sale any agricultural product as a transitional product if the producer, processor, or handler knows or has reason to know that the product does not comply with transitional product standards specified in this chapter or rules adopted pursuant to this chapter.

(3)(a) The department may set and collect transitional certification fees, including fees for application for transitional certification, renewal of transitional certification, inspections, and sampling. Collected fees are subject to provisions specified in RCW

15.86.070.

(b) The fee for application for transitional certification is fifty dollars per site in addition to any organic certification application fees established under this chapter. The department may increase this fee by rule as necessary to cover costs of provision of services.

(4) The department may conduct evaluations in retail establishments to verify compliance with transitional labeling and advertising requirements of this chapter, rules adopted pursuant to this chapter, and the national organic program.

[2010 c 109 § 8.]

15.86.130**Brand name materials list of registered materials — Application for registration — Right to enter premises — Rules — Denial/suspension/revocation of a registration, grounds.**

(1) The department may establish a brand name materials list of registered materials that are approved for use in organic production, processing, or handling in accordance with the national organic program or international standards. Registration of a material on the brand name materials list is voluntary. While registration is not required for a material to be used or sold in this state, registration is necessary for a material to be included on the brand name

materials list.

(2)(a) Manufacturers of materials may submit an application to the department for registration of a material on the brand name materials list. Applications must be made on a form designated by the department, and must include:

- (i) The name and address of the manufacturer;
 - (ii) The name and address of the manufacturer's representative making the representations in the application;
 - (iii) The brand name that the material is sold under;
 - (iv) A copy of the labeling accompanying the material and a statement of all claims to be made for it, including the directions and precautions for use;
 - (v) The complete formula of the material, including the active and inert ingredients;
 - (vi) A description of the manufacturing process, including all materials used for the extraction and synthesis of the material, if appropriate;
 - (vii) The intended uses of the product;
 - (viii) The source or supplier of all ingredients;
 - (ix) The required fee for registration or renewal; and
 - (x) Any additional information required by rule.
- (b) If any change to the information provided in an application occurs at any time after an application is submitted, the registrant must immediately submit corrected information to the department for review. Failure by the registrant to provide corrections to information provided in the application may result in suspension or revocation of the registration.
- (c) By submitting an application for registration on the brand name materials list, the applicant expressly consents to jurisdiction of the state of Washington in all matters related to the registration.
- (d) Applications for registration on the brand name materials list are governed by chapter 34.05 RCW.

(3)(a) By applying for registration on the brand name materials list, the registrant expressly grants to the department or other organic certifying agent or inspection agent approved by the national organic program the right to enter the registrant's premises during normal business hours or at other reasonable times to:

- (i) Inspect the portion of the premises where the material, inputs, or ingredients are stored, produced, manufactured, packaged, or labeled;
- (ii) Inspect records related to the sales, storage, production, manufacture, packaging, or labeling of the material, inputs, or ingredients; and
- (iii) Obtain samples of materials, inputs, and ingredients.

(b) Should the registrant refuse to allow inspection of the premises or records or fail to provide samples, the registration on the brand name materials list is canceled. The department shall deny applications for registration where the registrant refuses to allow the inspection of the premises or records or fails to provide samples as provided in this section.

(c) Required inspections may be conducted by department personnel, by an organic certifying agent, or by another inspection agent approved by the national organic program. The department may establish by rule evaluation criteria for review of inspection reports conducted by an organic certifying agent or inspection agent approved by the national organic program.

(4) The director may adopt rules necessary to implement the brand name materials list, including but not limited to:

- (a) Fees related to registration;
- (b) The number and scheduling of inspections, both announced and unannounced;

- (c) Recordkeeping requirements;
- (d) Additional application requirements;
- (e) Labeling of registered materials; and
- (f) Chemical analysis of material samples.

(5)(a) The department may establish a brand name materials list to register materials approved for use under:

- (i) National organic program standards; or
- (ii) International or additional organic standards.

(b) The director may review materials registered on the brand name materials list as approved for use under the national organic program for compliance with specific international or additional organic standards as designated by rule. A registered material that complies with a specific international or additional organic standard may also be registered as approved under that standard.

(6) Registration of a material on the brand name materials list under this chapter does not guarantee acceptance for use in organic production or processing by organic certifying agents other than the department. The department is not liable for any losses or damage that occurs as a result of use of a material registered on the brand name materials list.

(7) The director may deny, suspend, or revoke a registration on the brand name materials list if the director determines that a registrant has:

- (a) Failed to meet the registration criteria established in this chapter or rules adopted pursuant to this chapter; or
- (b) Violated any other provision of this chapter or rules adopted pursuant to this chapter.

[2010 c 109 § 9.]

15.86.140

Brand name materials list — Fees.

(1) The department is authorized to set and collect fees for application for registration, renewal of registration, inspections, and sampling for the brand name materials list. Collected fees are subject to provisions specified in RCW

15.86.070. The department may increase by rule fees established in this section as necessary to cover costs of provision of services.

(2)(a) The application fee for registration of a pesticide, spray adjuvant, processing aid, livestock production aid, or postharvest material is:

- (i) Five hundred dollars per material for an initial registration; and
- (ii) Three hundred dollars per material for renewing a registration.

(b) The application fee for registration of a fertilizer, soil amendment, organic waste-derived material, compost, animal manure, or crop production aid is:

- (i) Four hundred dollars per material for an initial registration; and
- (ii) Two hundred dollars per material for renewing a registration.

(3)(a) Renewal applications postmarked after October 31st must include, in addition to the renewal fee, a late fee of:

- (i) One hundred dollars per material for applications postmarked after October 31st;
- (ii) Two hundred dollars per material for applications postmarked after November 30th; and

Three hundred dollars per material for applications postmarked after December 31st.

(b) Renewal applications received after February 2nd will not be accepted, and applicants must reapply as new applicants.

(4) Inspections and any additional visit that must be arranged must be billed at forty dollars per hour plus travel costs and mileage, charged at the rate established by the office of financial management.

(5) Chemical analysis of material samples, if required for registration or requested by the applicant, must be billed at a rate established by the laboratory services division of the department of agriculture or at cost for analyses performed by another laboratory.

(6) Requests for expedited reviews may be submitted and, if approved, must be billed at forty dollars per hour.

(7) The department may assess compliance with an international or additional organic standard for materials registered on the brand name materials list as approved for use under the national organic program. Requests for additional assessments of materials approved under the national organic program must be billed at a rate of one hundred dollars per product for each standard.

[2010 c 109 § 10.]